

travel benefit under this section only if the air or surface carrier that is the source of the benefit consents to such donation. Any such donation shall be under such terms and conditions as the surface carrier may specify, and the travel benefit so donated may be used only in accordance with the rules established by the carrier.

(d) **USE OF DONATED TRAVEL BENEFITS.**—A travel benefit accepted under this section may be used only for the purpose of—

(1) facilitating the travel of a member of the armed forces who—

(A) is deployed on active duty outside the United States away from the permanent duty station of the member in support of a contingency operation; and

(B) is granted, during such deployment, rest and recuperative leave, emergency leave, convalescent leave, or another form of leave authorized for the member; or

(2) in the case of a member of the armed forces recuperating from an injury or illness incurred or aggravated in the line of duty during such a deployment, facilitating the travel of family members of the member in order to be reunited with the member.

(e) **ADMINISTRATION.**—(1) The Secretary shall designate a single office in the Department of Defense to carry out this section. That office shall develop rules and procedures to facilitate the acceptance and distribution of travel benefits under this section.

(2) For the use of travel benefits under subsection (d)(2) by family members of a member of the armed forces, the Secretary may, as the Secretary determines appropriate, limit—

(A) eligibility to family members who, by reason of affinity, degree of consanguinity, or otherwise, are sufficiently close in relationship to the member of the armed forces to justify the travel assistance;

(B) the number of family members who may travel; and

(C) the number of trips that family members may take.

(3) The Secretary of Defense may, in an exceptional case, authorize a person not described in subsection (d)(2) to use a travel benefit accepted under this subsection to visit a member of the armed forces described in subsection (d)(1) if that person has a notably close relationship with the member. The travel benefit may be used by such person only in accordance with such conditions and restrictions as the Secretary determines appropriate and the rules established by the air carrier or surface carrier that is the source of the travel benefit.

(f) **SERVICES OF NONPROFIT ORGANIZATION.**—The Secretary of Defense may enter into an agreement with a nonprofit organization to use the services of the organization—

(1) to promote the donation of travel benefits under this section, except that amounts appropriated to the Department of Defense may not be expended for this purpose; and

(2) to assist in administering the collection, distribution, and use of travel benefits under this section.

(g) **FAMILY MEMBER DEFINED.**—In this section, the term “family member” has the meaning given that term in section 411h(b)(1) of title 37.

(Added Pub. L. 108-375, div. A, title V, §585(a)(1), Oct. 28, 2004, 118 Stat. 1930; amended Pub. L. 109-364, div. A, title X, §1071(a)(20), Oct. 17, 2006, 120 Stat. 2399.)

CODIFICATION

Another section 2613 was renumbered section 2614 of this title.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-364 substituted “In this” for “In the”.

§ 2614. Emergency communications equipment: acceptance from local public safety agencies for temporary use related to disasters

(a) **AUTHORITY TO ACCEPT EQUIPMENT.**—(1) Subject to subsection (c), the Secretary concerned—

(1) may accept communications equipment for use in coordinating joint response and recovery operations with public safety agencies in the event of a disaster; and

(2) may accept services related to the operation and maintenance of such equipment.

(b) **REGULATIONS.**—The authority under subsection (a) shall be exercised under regulations prescribed by the Secretary of Defense.

(c) **LIMITATIONS.**—(1) Equipment may be accepted under subsection (a)(1) only to the extent that communications equipment under the control of the Secretary concerned at the potential disaster response site is inadequate to meet military requirements for communicating with public safety agencies during the period of response to the disaster.

(2) Services may be accepted under subsection (a)(2) related to the operation and maintenance of communications equipment only to the extent that the necessary capabilities are not available to the military commander having custody of the equipment.

(d) **LIABILITY.**—A person providing services accepted under this section may not be considered, by reason of the provision of such services, to be an officer, employee, or agent of the United States for any purpose.

(Added Pub. L. 108-375, div. A, title X, §1051(a), Oct. 28, 2004, 118 Stat. 2053, §2613; renumbered §2614 and amended Pub. L. 109-364, div. A, title X, §1071(a)(19)(A), Oct. 17, 2006, 120 Stat. 2399.)

AMENDMENTS

2006—Pub. L. 109-364 renumbered section 2613 of this title as this section and redesignated the second subsec. (c) as (d).

CHAPTER 157—TRANSPORTATION

Sec.	
2631.	Supplies: preference to United States vessels.
2631a.	Contingency planning: sealift and related intermodal transportation requirements.
2632.	Transportation to and from certain places of employment and on military installations.
2633.	Stevedoring and terminal services: vessels carrying cargo or passengers sponsored by military department.
2634.	Motor vehicles: transportation or storage for members on change of permanent station or extended deployment.
2635.	Medical emergency helicopter transportation assistance and limitation of individual liability.

- Sec.
 2636. Deductions from amounts due carriers.
 2636a. Loss or damage to personal property transported at Government expense: full replacement value; deduction from amounts due carriers.
 2637. Transportation in certain areas outside the United States.
 2638. Transportation of civilian clothing of enlisted members.
 2639. Transportation to and from school for certain minor dependents.
 2640. Charter air transportation of members of the armed forces.
 2641. Transportation of certain veterans on Department of Defense aeromedical evacuation aircraft.
 2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care in Hawaii.
 2641b. Space-available travel on Department of Defense aircraft: retired members residing in Commonwealths and possessions of the United States for certain health care services.
 2642. Airlift services provided to certain other agencies: use of Department of Defense reimbursement rate.
 2643. Commissary and exchange services: transportation overseas.
 2644. Control of transportation systems in time of war.
 2645. Indemnification of Department of Transportation for losses covered by vessel war risk insurance.
 2646. Travel services: procurement for official and unofficial travel under one contract.
 2647. Next-of-kin of persons unaccounted for from conflicts after World War II: transportation to annual meetings.
 2648. Persons and supplies: sea, land, and air transportation.
 2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft.
 2650. Civilian personnel in Alaska.
 2651. Passengers and merchandise to Guam: sea transport.

AMENDMENTS

- 2011—Pub. L. 111-383, div. A, title III, § 352(f), Jan. 7, 2011, 124 Stat. 4194, added items 2648 and 2649 and struck out former items 2648 “Persons and supplies: sea transportation” and 2649 “Civilian passengers and commercial cargoes: transportation on Department of Defense vessels”.
- 2008—Pub. L. 110-181, div. A, title III, § 374(b), Jan. 28, 2008, 122 Stat. 83, added item 2641b.
- 2004—Pub. L. 108-375, div. A, title X, § 1072(d)(1), Oct. 28, 2004, 118 Stat. 2058, added items 2648 to 2651.
- 2003—Pub. L. 108-136, div. A, title VI, § 634(b), title X, § 1006(b)(2), Nov. 24, 2003, 117 Stat. 1510, 1585, added item 2636a and amended item 2642 generally, substituting “Airlift services provided to certain other agencies: use of Department of Defense reimbursement rate” for “Reimbursement rate for airlift services provided to Central Intelligence Agency”.
- 2001—Pub. L. 107-107, div. A, title V, § 574(b), Dec. 28, 2001, 115 Stat. 1122, added item 2647.
- 2000—Pub. L. 106-398, § 1 [[div. A], title X, § 1009(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-251, substituted “Deductions from amounts due carriers” for “Deductions from carriers because of loss or damage to material in transit” in item 2636.
- 1998—Pub. L. 105-262, title VIII, § 8121(b), Oct. 17, 1998, 112 Stat. 2332, added item 2641a.
- Pub. L. 105-261, div. A, title VIII, § 813(b), Oct. 17, 1998, 112 Stat. 2087, added item 2646.
- 1996—Pub. L. 104-201, div. A, title III, § 368(a)(2)(B), title IX, § 906(d)(1), title X, § 1079(b)(2), Sept. 23, 1996, 110

Stat. 2498, 2620, 2670, substituted “Motor vehicles: transportation or storage for members on change of permanent station or extended deployment” for “Motor vehicles: for members on change of permanent station” in item 2634 and added items 2644 and 2645.

Pub. L. 104-106, div. A, title III, § 334(b), Feb. 10, 1996, 110 Stat. 262, added item 2643.

1993—Pub. L. 103-160, div. A, title XI, § 1173(b), Nov. 30, 1993, 107 Stat. 1767, added item 2631a.

1991—Pub. L. 102-88, title V, § 501(b), Aug. 14, 1991, 105 Stat. 435, added item 2642.

1990—Pub. L. 101-510, div. A, title III, § 326(a)(2), Nov. 5, 1990, 104 Stat. 1531, added item 2637.

1987—Pub. L. 100-180, div. A, title XII, § 1250(a)(2), Dec. 4, 1987, 101 Stat. 1168, added item 2641.

1986—Pub. L. 99-661, div. A, title XII, § 1204(a)(2), Nov. 14, 1986, 100 Stat. 3971, added item 2640.

Pub. L. 99-550, § 2(a)(2), Oct. 27, 1986, 100 Stat. 3070, struck out item 2637 “Transportation between residence and place of work for senior defense officials”.

1984—Pub. L. 98-525, title VI, § 614(b), title XIV, § 1401(j)(2), Oct. 19, 1984, 98 Stat. 2540, 2620, added items 2637 to 2639.

1982—Pub. L. 97-258, § 2(b)(5)(A), Sept. 13, 1982, 96 Stat. 1053, added item 2636.

1979—Pub. L. 96-125, title VIII, § 807(c)(2), Nov. 26, 1979, 93 Stat. 950, inserted “and on military installations” after “places of employment” in item 2632.

1973—Pub. L. 93-155, title VIII, § 814(b), Nov. 16, 1973, 87 Stat. 621, added item 2635.

1965—Pub. L. 89-101, § 1(2), July 30, 1965, 79 Stat. 425, substituted “change of permanent station” for “permanent change of station” in item 2634.

1962—Pub. L. 87-651, title I, § 111(c), Sept. 7, 1962, 76 Stat. 511, substituted “Stevedoring and terminal services: vessels carrying cargo or passengers sponsored by military department” for “Terminal Services, furnish to commercial steamship companies” in item 2633, and added item 2634.

1957—Pub. L. 85-44, § 2, June 1, 1957, 71 Stat. 45, added item 2633.

§ 2631. Supplies: preference to United States vessels

(a) Only vessels of the United States or belonging to the United States may be used in the transportation by sea of supplies bought for the Army, Navy, Air Force, or Marine Corps. However, if the President finds that the freight charged by those vessels is excessive or otherwise unreasonable, contracts for transportation may be made as otherwise provided by law. Charges made for the transportation of those supplies by those vessels may not be higher than the charges made for transporting like goods for private persons.

(b)(1) In each request for proposals to enter into a time-charter contract for the use of a vessel for the transportation of supplies under this section, the Secretary of Defense shall require that any reflagging or repair work on a vessel for which a proposal is submitted in response to the request for proposals be performed in the United States (including any territory of the United States).

(2) In paragraph (1), the term “reflagging or repair work” means work performed on a vessel—

(A) to enable the vessel to meet applicable standards to become a vessel of the United States; or

(B) to convert the vessel to a more useful military configuration.

(3) The Secretary of Defense may waive the requirement described in paragraph (1) if the Sec-

retary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately notify the Congress of any such waiver and the reasons for such waiver.

(Aug. 10, 1956, ch. 1041, 70A Stat. 146; Pub. L. 103-160, div. A, title III, § 315(a), Nov. 30, 1993, 107 Stat. 1619.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2631	10:1365, 34:528.	Apr. 28, 1904, ch. 1766, 33 Stat. 518.

The word “supplies” is substituted for the words “coal, provisions, fodder, or supplies of any description”, in 10:1365 and 34:528. The words “pursuant to law” and “the use of”, in 10:1365 and 34:528, are omitted as surplusage. The words “as otherwise provided by law”, in 10:1365 and 34:528, are used rather than the words “under the law as it now exists”, in section 1 of the Act of April 28, 1904, ch. 1766, 33 Stat. 518. The word “may” is substituted for the word “shall”. The words “However, if” are substituted for the words “unless * * * in which case”. The words “private persons” are substituted for the words “private parties or companies”, in 10:1365 and 34:528. The last sentence is substituted for the proviso of 10:1365 and 34:528.

AMENDMENTS

1993—Pub. L. 103-160 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1993 AMENDMENT

Section 315(b) of Pub. L. 103-160 provided that: “The amendment made by subsection (a) [amending this section] shall apply to a vessel for which reflagging or repair work is necessary to be performed after the date of the enactment of this Act [Nov. 30, 1993].”

OBTAINING CARRIAGE BY VESSEL: CRITERION REGARDING OVERHAUL, REPAIR, AND MAINTENANCE OF VESSELS IN THE UNITED STATES

Pub. L. 109-364, div. A, title X, § 1017, Oct. 17, 2006, 120 Stat. 2379, as amended by Pub. L. 110-181, div. A, title X, § 1063(c)(9), div. C, title XXXV, § 3526(a), Jan. 28, 2008, 122 Stat. 323, 601, provided that:

“(a) ACQUISITION POLICY.—In order to maintain the national defense industrial base, the Secretary of Defense shall issue an acquisition policy that establishes, as a criterion required to be considered in obtaining carriage by vessel of cargo for the Department of Defense, the extent to which an offeror of such carriage had overhaul, repair, and maintenance work for covered vessels of the offeror performed in shipyards located in the United States.

“(b) COVERED VESSELS.—A vessel is a covered vessel of an offeror under this section if the vessel is—

“(1) owned, operated, or controlled by the offeror; and

“(2) qualified to engage in the carriage of cargo in the coastwise or non-contiguous trade under sections 12112 and 50501 and chapter 551 of title 46, United States Code.

“(c) APPLICATION OF POLICY.—The acquisition policy shall include rules providing for application of the policy to covered vessels as expeditiously as is practicable based on the nature of carriage obtained, and by no later than June 1, 2007.

“(d) REGULATIONS.—

“(1) IN GENERAL.—The Secretary shall prescribe regulations as necessary to carry out the acquisition policy and submit such regulations to the Committees on Armed Services of the Senate and the House of Representatives, by not later than June 1, 2007.

“(2) INTERIM REGULATIONS.—

“(A) IN GENERAL.—The Secretary may prescribe interim regulations as necessary to carry out the acquisition policy. For this purpose, the Secretary is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code.

“(B) SUBMISSION TO CONGRESS.—Upon the issuance of interim regulations under this paragraph, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the interim regulations and a description of the acquisition policy developed (or being developed) under subsection (a).

“(C) EXPIRATION.—All interim regulations prescribed under the authority of this paragraph that are not earlier superseded by final regulations shall expire no later than June 1, 2007.

“(e) ANNUAL REPORT.—The Secretary, acting through the United States Transportation Command, shall annually submit to the Committees on Armed Services of the Senate and the House of Representatives a report regarding overhaul, repair, and maintenance performed on covered vessels of each offeror of carriage to which the acquisition policy applies.

“(f) DEFINITIONS.—In this section:

“(1) FOREIGN SHIPYARD.—The term ‘foreign shipyard’ means a shipyard that is not located in the United States.

“(2) UNITED STATES.—The term ‘United States’ means—

“(A) any State of the United States; and

“(B) Guam.”

[Pub. L. 110-181, div. C, title XXXV, § 3526(a), Jan. 28, 2008, 122 Stat. 601, which directed amendment of section 1017(b)(2) of Pub. L. 109-364, set out above, by substituting “sections 12112, 50501, and 55102 of title 46, United States Code” for “section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), section 12106 of title 46, United States Code, and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)”, could not be executed because those words did not appear subsequent to amendment by section 1063(c)(9) of Pub. L. 110-181, which was effective as of Oct. 17, 2006, and as if included in Pub. L. 109-364 as enacted. See Effective Date of 2008 Amendment note under section 624 of this title.]

DELEGATION OF AUTHORITY UNDER THE CARGO PREFERENCE ACT

Memorandum of the President of the United States, Aug. 7, 1985, 50 F.R. 36565, provided:

Memorandum for the Honorable Caspar W. Weinberger, the Secretary of Defense

By virtue of the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 301 of Title 3 of the United States Code, I hereby delegate to the Secretary of Defense all the functions vested in me by the Cargo preference Act of 1904, 10 U.S.C. 2631. This authority may be redelegated.

This memorandum shall be published in the Federal Register.

RONALD REAGAN.

§ 2631a. Contingency planning: sealift and related intermodal transportation requirements

(a) CONSIDERATION OF PRIVATE CAPABILITIES.—The Secretary of Defense shall ensure that all studies and reports of the Department of Defense, and all actions taken in the Department of Defense, concerning sealift and related intermodal transportation requirements take into consideration the full range of the transportation and distribution capabilities that are available from operators of privately owned United States flag merchant vessels.

(b) PRIVATE CAPACITIES PRESENTATIONS.—The Secretary shall afford each operator of a vessel

referred to in subsection (a), not less often than annually, an opportunity to present to the Department of Defense information on its port-to-port and intermodal transportation capacities.

(Added Pub. L. 103-160, div. A, title XI, § 1173(a), Nov. 30, 1993, 107 Stat. 1767.)

§ 2632. Transportation to and from certain places of employment and on military installations

(a)(1) Whenever the Secretary of the military department concerned determines that it is necessary for the effective conduct of the affairs of his department, the Secretary may provide the transportation described in paragraph (2).

(2) Transportation that may be provided under this subsection is assured and adequate transportation by motor vehicle or water carrier as follows:

(A) Transportation among places on a military installation (including any subinstallation of a military installation).

(B) Transportation to and from their places of duty or employment on a military installation for persons covered by this subsection.

(C) Transportation to and from a military installation for persons covered by this subsection and their dependents, in the case of a military installation located in an area determined by the Secretary concerned not to be adequately served by regularly scheduled, and timely, commercial or municipal mass transit services.

(D) Transportation to and from their places of employment for persons attached to, or employed in, a private plant that is manufacturing material for that department, but only during a war or a national emergency declared by Congress or the President.

(3) Except as provided under subsection (b)(3), transportation under this subsection shall be provided at reasonable rates of fare under regulations prescribed by the Secretary of Defense.

(4) Persons covered by this subsection, in the case of any military installation, are members of the armed forces, employees of the military department concerned, and other persons attached to that department who are assigned to or employed at that installation.

(b)(1) Transportation described in subparagraphs (B), (C), and (D) of subsection (a)(2) may not be provided unless the Secretary concerned, or an officer of the department concerned designated by the Secretary, determines that—

(A) other facilities are inadequate and cannot be made adequate;

(B) a reasonable effort has been made to induce operators of private facilities to provide the necessary transportation; and

(C) the service to be furnished will make proper use of transportation facilities and will supply the most efficient transportation to the persons concerned.

(2) The Secretary of Defense shall require that, in determining whether to provide transportation described in subsection (a)(2)(A) at any military installation, the Secretary of the military department concerned shall give careful consideration to the potential for saving energy and reducing air pollution.

(3) In providing transportation described in subsection (a)(2)(A) at any military installation, the Secretary concerned may not require a fare for the transportation of members of the armed forces if the transportation is incident to the performance of duty. In providing transportation described in subsection (a)(2)(C) to and from any military installation, the Secretary concerned (under regulations prescribed under subsection (a)(3)) may waive any requirement for a fare.

(4) The authority under subsection (a) to enter into contracts under which the United States is obligated to make outlays shall be effective for any fiscal year only to the extent that the budget authority for such outlays is provided in advance by appropriation Acts.

(c) To provide transportation under subsection (a), the department may—

(1) buy, lease, or charter motor vehicles or water carriers having a seating capacity of 12 or more passengers;

(2) maintain and operate that equipment by—

(A) enlisted members of the Army, Navy, Air Force, Marine Corps, or the Coast Guard, as the case may be;

(B) employees of the department concerned; and

(C) private persons under contract; and

(3) lease or charter the equipment to private or public carriers for operation under terms that are considered necessary by the Secretary or by an officer of the department designated by the Secretary, and that may provide for the pooling of Government-owned and privately owned equipment and facilities and for the reciprocal use of that equipment.

(d) Fares received under subsection (a), and proceeds of the leasing or chartering of equipment under subsection (c)(3), shall be covered into the Treasury as miscellaneous receipts.

(Aug. 10, 1956, ch. 1041, 70A Stat. 146; Pub. L. 95-362, Sept. 11, 1978, 92 Stat. 596; Pub. L. 96-125, title VIII, § 807(a)-(c)(1), Nov. 26, 1979, 93 Stat. 949, 950; Pub. L. 100-180, div. A, title III, § 318(a)-(c), Dec. 4, 1987, 101 Stat. 1076, 1077.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2632(a)	5:189c (introductory clause, words of clause 2 before semicolon, and 17 words before proviso of clause 3). 5:415d (introductory clause, words of clause 2 before semicolon, and 17 words before proviso of clause 3). 5:626n (introductory clause, words of clause 2 before semicolon, and 17 words before proviso of clause 3).	May 28, 1948, ch. 352, § 1, 62 Stat. 276.
2632(b)	5:189c (clause 4). 5:415d (clause 4). 5:626n (clause 4).	
2632(c)	5:189c (clause 1; and clause 3, less 17 words before proviso). 5:415d (clause 1; and clause 3, less 17 words before proviso). 5:626n (clause 1; and clause 3, less 17 words before proviso).	

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2632(d)	5:189c (clause 2, less words before semi-colon). 5:415d (clause 2, less words before semi-colon). 5:626n (clause 2, less words before semi-colon).	

In subsection (a), the words “it is necessary * * * he may * * * provide assured and adequate transportation” are substituted for the words “requires assured and adequate transportation facilities * * * he is authorized * * * to provide such transportation”. The words “in the absence of adequate private or other facilities” are omitted as covered by subsection (b)(2). The words “subject, however, to the following provisions and conditions” are omitted, since the revised section states those conditions positively in the following subsections. The words “at reasonable rates of fare” are substituted for the first 23 words of clause 2 of 5:189c, 415d, and 626n. The words “under regulations to be prescribed by him” are substituted for the words “under such regulations as the Secretary of the Army [Navy, Air Force] shall prescribe” in clause 2, and the 17 words before the proviso of clause 3, of 5:189c, 415d, and 626n.

In subsection (b), the words “Transportation * * * under subsection (a)” are substituted for the words “The authority granted in this section to the Secretary of the Army [Navy, Air Force]”. The words “may not be provided” are substituted for the words “shall be exercised”. The word “transportation” is substituted for the word “service”. The words “in each case”, “as the case may be, that existing private and”, and “by other means” are omitted as surplusage.

Subsection (b)(3) is substituted for the last 25 words of clause 4 of 5:189c, 415d, and 626n.

In subsection (c), the introductory clause is substituted for the words “The equipment required to provide such transportation facilities may be either”. The words “considered necessary” are substituted for the words “shall determine necessary and advisable under the existing circumstances”. The proviso of clause 3 of 5:189c, 415d, and 626n is stated as a positive rule in clause (3) of the revised subsection. The words “for operation by the Department of the Army [Navy, Air Force], and when so obtained”, “civil”, “with such department”, “Equipment so obtained”, “and conditions”, and the first 25 words of clause 3 of 5:189c, 415d, and 626n are omitted as surplusage.

In subsection (d), the words “Treasury as” are substituted for the words “Treasury of the United States to the credit of”.

AMENDMENTS

1987—Subsec. (a). Pub. L. 100-180, §318(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Whenever the Secretary of a military department determines that it is necessary for the effective conduct of the affairs of that department, he may, at reasonable rates of fare under regulations to be prescribed by the Secretary of Defense, provide assured and adequate transportation by motor vehicle or water carrier—

“(1) among places on any military installation (including any subinstallation thereof) under the jurisdiction of that department; and

“(2) to and from their places of employment—

“(A) for persons attached to, or employed in, that department; and

“(B) during a war or national emergency declared by the Congress or the President, for persons attached to, or employed in, a private plant that is manufacturing material for that department.”

Subsec. (b)(1). Pub. L. 100-180, §318(c)(1), substituted “Transportation described in subparagraphs (B), (C),

and (D) of subsection (a)(2) may not be provided” for “Transportation may not be provided under subsection (a)(2)”.

Subsec. (b)(2). Pub. L. 100-180, §318(b)(1), (c)(2), redesignated subpar. (A) as par. (2) and substituted “transportation described in subsection (a)(2)(A) at any military installation” for “transportation at any military installation under subsection (a)(1)”. Subpar. (B) was struck out and replaced by par. (3) and subpar. (C) was redesignated par. (4).

Subsec. (b)(3). Pub. L. 100-180, §318(b)(2), substituted par. (3) for former subpar. (2)(B) which read as follows: “In providing transportation at any military installation under such subsection, the Secretary of the military department concerned may not require any fare for the transportation of members of the armed forces if the transportation is incident to training or other operational activities on such installation.”

Subsec. (b)(4). Pub. L. 100-180, §318(b)(3), (c)(3), redesignated former par. (2)(C) as par. (4) and substituted “subsection (a)” for “subsection (a)(1)”.

1979—Pub. L. 96-125, §807(c)(1), inserted “and on military installations” after “places of employment” in section catchline.

Subsec. (a). Pub. L. 96-125, §807(a), substituted reference to Secretary of a military department and to the Secretary of Defense for references to Secretary concerned and inserted reference to any military installation (including any subinstallation thereof) under the jurisdiction of that department.

Subsec. (b). Pub. L. 96-125, §807(b), designated existing provisions as par. (1) and cls. (1) to (3) as cls. (A) to (C), substituted “subsection (a)(2)” for “subsection (a)” and added par. (2).

1978—Subsec. (a). Pub. L. 95-362, §1(1), substituted “concerned” for “of a military department” and “of his department” for “of that department”.

Subsec. (b). Pub. L. 95-362, §1(2), struck out “of the military department” before “concerned”.

Subsec. (c)(2)(A). Pub. L. 95-362, §1(3), inserted reference to the Coast Guard.

REGULATIONS

Section 318(d) of Pub. L. 100-180 required that regulations to implement amendments to this section be prescribed not later than 90 days after Dec. 4, 1987.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 2633. Stevedoring and terminal services: vessels carrying cargo or passengers sponsored by military department

(a) Notwithstanding section 1301(a) of title 31, the Secretary of a military department may, under such regulations as he may prescribe, furnish stevedoring and terminal services and facilities to vessels carrying cargo, or passengers, or both, sponsored by his department.

(b) The furnishing of services and facilities under this section shall be at fair and reasonable rates.

(c) The proceeds from furnishing services and facilities under this section shall be paid to the credit of the appropriation or fund out of which the services or facilities were supplied.

(Added Pub. L. 85-44, §1, June 1, 1957, 71 Stat. 45; amended Pub. L. 87-651, title I, §111(a), Sept. 7,

1962, 76 Stat. 510; Pub. L. 96-513, title V, § 511(87), Dec. 12, 1980, 94 Stat. 2927; Pub. L. 97-258, § 3(b)(7), Sept. 13, 1982, 96 Stat. 1063.)

HISTORICAL AND REVISION NOTES
1962 ACT

Section 2633 is restated, without substantive change, to conform to the style adopted for title 10.

AMENDMENTS

1982—Subsec. (a). Pub. L. 97-258 substituted “section 1301(a) of title 31” for “section 3678 of the Revised Statutes (31 U.S.C. 628)”.

1980—Subsec. (a). Pub. L. 96-513 substituted “section 3678 of the Revised Statutes (31 U.S.C. 628)” for “section 628 of title 31”.

1962—Pub. L. 87-651 amended section generally without substantive change to conform to the style adopted for the revision of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

§ 2634. Motor vehicles: transportation or storage for members on change of permanent station or extended deployment

(a) When a member of an armed force is ordered to make a change of permanent station, one motor vehicle that is owned or leased by the member (or a dependent of the member) and is for the personal use of the member or his dependents may, unless a motor vehicle owned or leased by him (or a dependent of his) was transported in advance of that change of permanent station under section 406(h) of title 37, be transported, at the expense of the United States, to his new station or such other place as the Secretary concerned may authorize—

(1) on a vessel owned, leased, or chartered by the United States;

(2) by privately owned American shipping services;

(3) by foreign-flag shipping services if shipping services described in clauses (1) and (2) are not reasonably available; or

(4) by other surface transportation if such means of transport does not exceed the cost to the United States of other authorized means.

When the Secretary concerned determines that a replacement for that motor vehicle is necessary for reasons beyond the control of the member and is in the interest of the United States, and he approves the transportation in advance, one additional motor vehicle of the member (or a dependent of the member) may be so transported.

(b)(1) When a member receives a vehicle storage qualifying order, the member may elect to have a motor vehicle described in subsection (a) stored at the expense of the United States at a location approved by the Secretary concerned. In the case of a vehicle storage qualifying order that is to make a change of permanent station, such storage is in lieu of transportation authorized by subsection (a).

(2) In this subsection, the term “vehicle storage qualifying order” means any of the following:

(A) An order to make a change of permanent station to a foreign country in a case in which

the laws, regulations, or other restrictions imposed by the foreign country or by the United States either—

(i) preclude entry of a motor vehicle described in subsection (a) into that country; or

(ii) would require extensive modification of the vehicle as a condition to entry.

(B) An order to make a change of permanent station to a nonforeign area outside the continental United States in a case in which the laws, regulations, or other restrictions imposed by that area or by the United States either—

(i) preclude entry of a motor vehicle described in subsection (a) into that area; or

(ii) would require extensive modification of the vehicle as a condition to entry.

(C) An order under which a member is transferred or assigned in connection with a contingency operation to duty at a location other than the permanent station of the member for a period of more than 30 consecutive days but which is not considered a change of permanent station.

(3) Authorized expenses under this subsection include costs associated with the delivery of the motor vehicle for storage and removal of the vehicle for delivery to a destination approved by the Secretary concerned.

(4) Storage costs payable under this subsection may be paid in advance.

(c) When there has been a shipping error, or when orders directing a change of permanent station have been canceled, revoked, or modified after receipt by the member, a motor vehicle transported pursuant to this section may also be reshipped or transshipped in accordance with this section.

(d) When the Secretary concerned makes a determination under section 406(j) of title 37 that the dependents of a member on a permanent change of station are unable to accompany the member to an overseas duty station because of unexpected and uncontrollable circumstances, and the member shipped a motor vehicle pursuant to this section in anticipation of a dependent accompanying the member to the new duty station, the member may reship or transship such motor vehicle in accordance with this section.

(e) The Secretary of Defense (and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy) may prescribe regulations limiting those leased motor vehicles that may be transported pursuant to this section based upon the length of the lease and other terms and conditions of the lease that the Secretary considers appropriate.

(f) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of a motor vehicle being transported under this section.

(g) If a motor vehicle of a member (or a dependent of the member) that is transported at the expense of the United States under this section does not arrive at the authorized destina-

tion of the vehicle by the designated delivery date, the Secretary concerned shall reimburse the member for expenses incurred after that date to rent a motor vehicle for the member's use, or for the use of the dependent for whom the delayed vehicle was transported. The amount reimbursed may not exceed \$30 per day, and the rental period for which reimbursement may be provided expires after 7 days or on the date on which the delayed vehicle arrives at the authorized destination (whichever occurs first).

(h) In the case of a member's change of permanent station described in subparagraph (A) or (B) of subsection (i)(1), the Secretary concerned may authorize the member to arrange for the shipment of the motor vehicle in lieu of transportation at the expense of the United States under this section. The Secretary concerned may pay the member a monetary allowance in lieu of transportation, as established under section 404(d)(1) of title 37, and the member shall be responsible for any transportation costs in excess of such allowance.

(i) In this section:

(1) The term "change of permanent station" means the transfer or assignment of a member of the armed forces from a permanent station inside the continental United States to a permanent station outside the continental United States or from a permanent station outside the continental United States to another permanent station. It also includes the following:

(A) An authorized change in home port of a vessel.

(B) A transfer or assignment between two permanent stations in the continental United States when—

(i) the member cannot, because of injury or the conditions of the order, drive the motor vehicle between the permanent duty stations; or

(ii) the Secretary concerned determines that it is advantageous and cost-effective to the United States for one motor vehicle of the member to be transported between the permanent duty stations.

(2) The term "continental United States" does not include Alaska.

(3) The term "nonforeign area outside the continental United States" means any of the following: the States of Alaska and Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and any possession of the United States.

(Added Pub. L. 87-651, title I, §111(b), Sept. 7, 1962, 76 Stat. 510; amended Pub. L. 88-431, §1(b), Aug. 14, 1964, 78 Stat. 439; Pub. L. 89-101, §1(1), July 30, 1965, 79 Stat. 425; Pub. L. 93-548, §1, 2, Dec. 26, 1974, 88 Stat. 1743; Pub. L. 97-60, title II, §202, Oct. 14, 1981, 95 Stat. 1005; Pub. L. 99-661, div. A, title VI, §§611, 620(b)(2), Nov. 14, 1986, 100 Stat. 3878, 3883; Pub. L. 100-26, §7(j)(6), Apr. 21, 1987, 101 Stat. 283; Pub. L. 100-180, div. A, title VI, §616(a), Dec. 4, 1987, 101 Stat. 1096; Pub. L. 102-484, div. A, title VI, §622(b), Oct. 23, 1992, 106 Stat. 2422; Pub. L. 104-106, div. A, title VI, §642(a)(2), Feb. 10, 1996, 110 Stat. 368; Pub. L. 104-201, div. A, title III, §368(a)(1), (2)(A), Sept. 23, 1996, 110 Stat. 2497; Pub. L. 105-261, div. A, title VI, §§631(b)(2), 653(a), Oct. 17, 1998, 112 Stat.

2044, 2051; Pub. L. 107-107, div. A, title V, §594(a), (b), Dec. 28, 2001, 115 Stat. 1126; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107-314, div. A, title V, §575(a), (b), Dec. 2, 2002, 116 Stat. 2558, 2559; Pub. L. 108-136, div. A, title VI, §631(a), Nov. 24, 2003, 117 Stat. 1508.)

HISTORICAL AND REVISION NOTES

The new section 2634 of title 10 combines sections 4748, 6157, and 9748 of this title and section 471a of title 14 (which are being repealed), and reflects the Act of May 28, 1956, ch. 325 (46 U.S.C. 1241(c)).

AMENDMENTS

2003—Subsecs. (h), (i). Pub. L. 108-136 added subsec. (h) and redesignated former subsec. (h) as (i).

2002—Subsec. (b)(1), (2). Pub. L. 107-314, §575(a), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

"(1) In lieu of transportation authorized by this section, if a member is ordered to make a change of permanent station to a foreign country and the laws, regulations, or other restrictions imposed by the foreign country or the United States preclude entry of a motor vehicle described in subsection (a) into that country, or would require extensive modification of the vehicle as a condition to entry, the member may elect to have the vehicle stored at the expense of the United States at a location approved by the Secretary concerned.

"(2) If a member is transferred or assigned in connection with a contingency operation to duty at a location other than the permanent station of the member for a period of more than 30 consecutive days, but the transfer or assignment is not considered a change of permanent station, the member may elect to have a motor vehicle described in subsection (a) stored at the expense of the United States at a location approved by the Secretary concerned."

Subsec. (e). Pub. L. 107-296 substituted "of Homeland Security" for "of Transportation".

Subsec. (h)(3). Pub. L. 107-314, §575(b), added par. (3).

2001—Subsec. (b)(4). Pub. L. 107-107, §594(a), added par. (4).

Subsec. (h)(1). Pub. L. 107-107, §594(b), substituted "includes the following:" and subpars. (A) and (B) for "includes an authorized change in home port of a vessel, or a transfer or assignment between two permanent stations in the continental United States when the member cannot, because of injury or the conditions of the order, drive the motor vehicle between the permanent duty stations."

1998—Subsec. (d). Pub. L. 105-261, §631(b)(2), substituted "section 406(j)" for "section 406(k)".

Subsecs. (g), (h). Pub. L. 105-261, §653(a), added subsec. (g) and redesignated former subsec. (g) as (h).

1996—Pub. L. 104-201, §368(a)(2)(A), substituted "Motor vehicles: transportation or storage for members on change of permanent station or extended deployment" for "Motor vehicles: for members on change of permanent station" in section catchline.

Subsec. (b). Pub. L. 104-201, §368(a)(1)(C), added subsec. (b). Former subsec. (b) redesignated (g).

Subsec. (d). Pub. L. 104-106 substituted "section 406(k) of title 37" for "section 406(l) of title 37".

Subsec. (g). Pub. L. 104-201, §368(a)(1)(A), (B), redesignated subsec. (b) as (g) and transferred it to end of section.

1992—Subsec. (f). Pub. L. 102-484 added subsec. (f).

1987—Subsec. (a). Pub. L. 100-180, §616(a)(1), inserted "or leased" after "owned" in two places in introductory text.

Subsec. (d). Pub. L. 100-26 redesignated subsec. (f) as (d).

Subsec. (e). Pub. L. 100-180, §616(a)(2), added subsec. (e).

Subsec. (f). Pub. L. 100-26 redesignated subsec. (f) as (d).

1986—Subsec. (a). Pub. L. 99-661, §611(a), substituted “by other surface transportation” for “in the case of movement, the major portion of which is by shipping services described in clause (1) or (2), by other surface transportation between customary ports of embarkation and debarkation” in par. (4), and struck out “, or his designee,” after “When the Secretary concerned” in last sentence.

Subsec. (b). Pub. L. 99-661, §611(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “In this section, ‘change of permanent station’ means the transfer or assignment of a member of the armed forces from one permanent station to another. It includes the change from home or from the place from which ordered to active duty to first station upon appointment, call to active duty, enlistment, or induction, and from last duty station to home or to the place from which ordered to active duty upon separation from the service, placement upon the temporary disability retired list, release from active duty, or retirement. It also includes an authorized change in home yard or home port of a vessel.”

Subsec. (f). Pub. L. 99-661, §620(b)(2), added subsec. (f).

1981—Subsec. (a). Pub. L. 97-60 substituted “one motor vehicle that is owned by the member (or a dependent of the member) and is for the personal use of the member or his dependents may, unless a motor vehicle owned by him (or a dependent of his) was transported” for “one motor vehicle owned by him and for his personal use or the use of his dependents may, unless a motor vehicle owned by him was transported” in provisions preceding par. (1) and, in provisions following par. (4), inserted “(or a dependent of the member)” after “one additional motor vehicle of the member”.

1974—Subsec. (a)(4). Pub. L. 93-548, §1, added par. (4).

Subsec. (c). Pub. L. 93-548, §2, added subsec. (c).

1965—Pub. L. 89-101 substituted “change of permanent station” for “permanent change of station” in section catchline, designated existing provisions as subsec. (a), substituted “change of permanent station” for “permanent change of station” in two places, inserted “or for the use of his dependents” and “or such other place as the Secretary concerned may authorize”, added cl. 3, provided for the transportation of one additional motor vehicle when replacement is necessary, and added subsec. (b).

1964—Pub. L. 88-431 inserted “, leased, or chartered” and “unless a motor vehicle owned by him was transported in advance of that permanent change of station under section 406(h) of title 37”.

EFFECTIVE DATE OF 2002 AMENDMENTS

Pub. L. 107-314, div. A, title V, §575(c), Dec. 2, 2002, 116 Stat. 2559, provided that: “The amendments made by this section [amending this section] apply to orders to make a change of permanent station to a nonforeign area outside the continental United States (as such term is defined in subsection (h)(3) of section 2634 of title 10, United States Code, as added by subsection (b)) that are issued on or after the date of the enactment of this Act [Dec. 2, 2002].”

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title V, §594(c), Dec. 28, 2001, 115 Stat. 1126, provided that: “The amendments made by this section [amending this section] apply to orders to make a change of permanent station that are issued on or after the date of the enactment of this Act [Dec. 28, 2001].”

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. A, title VI, §653(e), Oct. 17, 1998, 112 Stat. 2052, provided that:

“(1) Reimbursement for motor vehicle rental expenses may not be provided under the amendments

made by this section [amending this section and sections 405a, 406, and 554 of Title 37, Pay and Allowances of the Uniformed Services] until after the date on which the Secretary of Defense submits to Congress a report containing a certification that the Department of Defense has in place and operational a system to recover the cost of providing such reimbursement from commercial carriers that are responsible for the delay in the delivery of the motor vehicles of members of the Armed Forces and their dependents. The Secretary of Defense shall prepare the report in consultation with the Secretary of Transportation, with respect to the Coast Guard.

“(2) The amendments shall apply with respect to rental expenses described in such amendments that are incurred on or after the date of the submission of the report. The report shall be submitted not later than six months after the date of the enactment of this Act [Oct. 17, 1998] and shall include, in addition to the certification, a description of the system to be used to recover from commercial carriers the costs incurred under such amendments.”

EFFECTIVE DATE OF 1996 AMENDMENT

Section 368(c) of Pub. L. 104-201 provided that: “The amendments made by this section [amending this section and section 406 of Title 37, Pay and Allowances of the Uniformed Services] shall take effect on April 1, 1997.”

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-661, applicable with respect to members whose dependents are unable to accompany them to an overseas permanent duty station because of circumstances arising on or after Nov. 14, 1986, see section 620(c)(2) of Pub. L. 99-661, set out as a note under section 406 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1965 AMENDMENT; REIMBURSEMENT OF EXPENSES

Section 3 of Pub. L. 89-101 provided that: “This Act [amending this section and section 406 of title 37] shall be effective May 1, 1965. Any member who—

“(1) transported a motor vehicle at his personal expense after April 30, 1965, and before the enactment of this Act [July 30, 1965]; and

“(2) would have been entitled to the transportation of such motor vehicle at Government expense under the provisions of this Act; shall be reimbursed for the allowable transportation cost actually expended by him. Appropriations available for permanent change of station travel shall be available for the reimbursements authorized by this Act.”

PUBLIC HEALTH SERVICE

Authority vested by this section in “the Secretary concerned” to be exercised, with respect to commissioned officers of Public Health Service, by Secretary of Health and Human Services or his designee, see section 213a of Title 42, The Public Health and Welfare.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Authority vested by this section in “the Secretary concerned” to be exercised, with respect to commissioned officer corps of National Oceanic and Atmospheric Administration, by Secretary of Commerce or his designee, see section 3071 of Title 33, Navigation and Navigable Waters.

§ 2635. Medical emergency helicopter transportation assistance and limitation of individual liability

(a) The Secretary of Defense is authorized to assist the Department of Health and Human Services and the Department of Homeland Secu-

rity in providing medical emergency helicopter transportation services to civilians. Any resources provided under this section shall be under such terms and conditions, including reimbursement, as the Secretary of Defense deems appropriate and shall be subject to the following specific limitations:

(1) Assistance may be provided only in areas where military units able to provide such assistance are regularly assigned, and military units shall not be transferred from one area to another for the purpose of providing such assistance.

(2) Assistance may be provided only to the extent that it does not interfere with the performance of the military mission.

(3) The provision of assistance shall not cause any increase in funds required for the operation of the Department of Defense.

(b) No individual (or his estate) who is authorized by the Department of Defense to perform services under a program established pursuant to subsection (a), and who is acting within the scope of his duties, shall be liable for injury to, or loss of property or personal injury or death which may be caused incident to providing such services.

(Added Pub. L. 93-155, title VIII, §814(a), Nov. 16, 1973, 87 Stat. 620; amended Pub. L. 96-513, title V, §511(88), Dec. 12, 1980, 94 Stat. 2928; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-296 substituted “Department of Homeland Security” for “Department of Transportation” in introductory provisions.

1980—Subsec. (a). Pub. L. 96-513 substituted “Department of Health and Human Services” for “Department of Health, Education, and Welfare”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

§ 2636. Deductions from amounts due carriers

(a) AMOUNTS FOR LOSS OR DAMAGE.—An amount deducted from an amount due a carrier shall be credited as follows:

(1) If deducted because of loss of or damage to material in transit for a military department, the amount shall be credited to the proper appropriation, account, or fund from which the same or similar material may be replaced.

(2) If deducted as an administrative offset for an overpayment previously made to the carrier under any Department of Defense contract for transportation services or as liquidated damages due under any such contract, the amount shall be credited to the appropriation or account from which payments for the transportation services were made.

(b) SIMPLIFIED OFFSET FOR COLLECTION OF CLAIMS NOT IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.—(1) In any case in which the total amount of a claim for the recovery of overpayments or liquidated damages under a contract described in subsection (a)(2) does not exceed the simplified acquisition threshold, the Secretary of Defense or the Secretary concerned, in exercising the authority to collect the claim by administrative offset under section 3716 of title 31, may apply paragraphs (2) and (3) of subsection (a) of that section with respect to that collection after (rather than before) the claim is so collected.

(2) Regulations prescribed by the Secretary of Defense under subsection (b) of section 3716 of title 31—

(A) shall include provisions to carry out paragraph (1); and

(B) shall provide the carrier for a claim subject to paragraph (1) with an opportunity to offer an alternative method of repaying the claim (rather than by administrative offset) if the collection of the claim by administrative offset has not already been made.

(3) In this subsection, the term “simplified acquisition threshold” has the meaning given that term in section 134 of title 41.

(Added Pub. L. 97-258, §2(b)(5)(B), Sept. 13, 1982, 96 Stat. 1053; amended Pub. L. 106-398, §1 [[div. A], title X, §1009(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-250; Pub. L. 111-350, §5(b)(43), Jan. 4, 2011, 124 Stat. 3846.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2636	31:489a.	June 25, 1956, ch. 442, §1, 70 Stat. 336.

The words “An amount deducted from an amount due” are substituted for “Moneys arising from deductions made from” for clarity. The words “military or naval” and “account of” are omitted as surplus. The words “a military department” are substituted for “the Departments of the Army, Navy, or Air Force” because of 10:101(7). The Department of War was designated the Department of the Army by section 205(a) of the Act of July 26, 1947 (ch. 343, 61 Stat. 501), and by sections 1 and 53 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 157, 676). The Department of the Air Force is included because of sections 205(a) and 207(a) and (f) of the Act of July 26, 1947 (ch. 343, 61 Stat. 501, 502), and section 1 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 488).

AMENDMENTS

2011—Subsec. (b)(3). Pub. L. 111-350 substituted “section 134 of title 41” for “section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))”.

2000—Pub. L. 106-398 amended section catchline and text generally. Prior to amendment, text read as follows: “An amount deducted from an amount due a carrier because of loss of or damage to material in transit for a military department shall be credited to the proper appropriation, account, or fund from which the same or similar material may be replaced.”

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-398, §1 [[div. A], title X, §1009(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-251, provided that: “Subsections (a)(2) and (b) of section 2636 of title 10, United States Code, as added by subsection (a)(1), shall apply with respect to contracts entered into after the date of the enactment of this Act [Oct. 30, 2000].”

§ 2636a. Loss or damage to personal property transported at Government expense: full replacement value; deduction from amounts due carriers

(a) **PROCUREMENT OF COVERAGE.**—The Secretary of Defense shall include in a contract for the transportation at Government expense of baggage and household effects for members of the armed forces or civilian employees of the Department of Defense (or both) a clause that requires the carrier under the contract to pay the full replacement value for loss or damage to the baggage or household effects transported under the contract.

(b) **DEDUCTION UPON FAILURE OF CARRIER TO SETTLE.**—In the case of a loss or damage of baggage or household effects transported under a contract with a carrier that includes a clause described in subsection (a), the amount equal to the full replacement value for the baggage or household effects shall be deducted from the amount owed by the United States to the carrier under the contract upon a failure of the carrier to settle a claim for such loss or total damage within a reasonable time. The amount so deducted shall be remitted to the claimant, notwithstanding section 2636 of this title.

(c) **INAPPLICABILITY OF RELATED LIMITS.**—The limitations on amounts of claims that may be settled under section 3721(b) of title 31 do not apply to a carrier's contractual obligation to pay full replacement value under this section.

(d) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations for administering this section. The regulations shall include policies and procedures for validating and evaluating claims, validating proper claimants, and determining reasonable time for settlement. The regulations may include a requirement that a member of the armed forces or civilian employee of the Department of Defense comply with reasonable restrictions or conditions prescribed by the Secretary in order to receive the full amount deducted under subsection (b).

(e) **TRANSPORTATION DEFINED.**—In this section, the terms “transportation” and “transport”, with respect to baggage or household effects, includes packing, crating, drayage, temporary storage, and unpacking of the baggage or household effects.

(Added Pub. L. 108–136, div. A, title VI, § 634(a), Nov. 24, 2003, 117 Stat. 1509; amended Pub. L. 109–364, div. A, title III, § 363(a), (b), Oct. 17, 2006, 120 Stat. 2167; Pub. L. 110–181, div. A, title III, § 373, Jan. 28, 2008, 122 Stat. 82.)

AMENDMENTS

2008—Subsec. (d). Pub. L. 110–181 inserted at end “The regulations may include a requirement that a member of the armed forces or civilian employee of the Department of Defense comply with reasonable restrictions or conditions prescribed by the Secretary in order to receive the full amount deducted under subsection (b).”

2006—Subsec. (a). Pub. L. 109–364, § 363(b)(1), substituted “shall include” for “may include”.

Pub. L. 109–364, § 363(a), substituted “at Government expense of baggage and household effects for members of the armed forces or civilian employees of the Department of Defense (or both)” for “of baggage and household effects for members of the armed forces at Government expense”.

Subsec. (b). Pub. L. 109–364, § 363(b)(2), substituted “shall be deducted” for “may be deducted”.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–364, div. A, title III, § 363(b), Oct. 17, 2006, 120 Stat. 2167, provided that the amendment made by section 363(b) is effective Mar. 1, 2008.

§ 2637. Transportation in certain areas outside the United States

The Secretary of Defense may authorize the commander of a unified combatant command to use Government owned or leased vehicles to provide transportation in an area outside the United States for members of the uniformed services and Federal civilian employees under the jurisdiction of that commander, and for the dependents of such members and employees, if the commander determines that public or private transportation in such area is unsafe or not available. Such transportation shall be provided in accordance with regulations prescribed by the Secretary of Defense.

(Added Pub. L. 101–510, div. A, title III, § 326(a)(1), Nov. 5, 1990, 104 Stat. 1531.)

PRIOR PROVISIONS

A prior section 2637, added Pub. L. 98–525, title VI, § 614(a), Oct. 19, 1984, 98 Stat. 2540, related to use of passenger motor vehicles of United States for transportation between residences and places of work of senior defense officials, prior to repeal by Pub. L. 99–550, § 2(a)(1), Oct. 27, 1986, 100 Stat. 3070.

§ 2638. Transportation of civilian clothing of enlisted members

The Secretary of the military department concerned may provide for the transportation of the civilian clothing of any person entering the armed forces as an enlisted member to the member's home of record.

(Added Pub. L. 98–525, title XIV, § 1401(j)(1), Oct. 19, 1984, 98 Stat. 2620.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

Oct. 12, 1984, Pub. L. 98–473, title I, § 101(h) [title VIII, § 8005], 98 Stat. 1904, 1922.

Dec. 8, 1983, Pub. L. 98–212, title VII, § 708, 97 Stat. 1438.

Dec. 21, 1982, Pub. L. 97–377, title I, § 101(c) [title VII, § 708], 96 Stat. 1833, 1850.

Dec. 29, 1981, Pub. L. 97–114, title VII, § 708, 95 Stat. 1579.

Dec. 15, 1980, Pub. L. 96–527, title VII, § 708, 94 Stat. 3081.

Dec. 21, 1979, Pub. L. 96–154, title VII, § 708, 93 Stat. 1152.

Oct. 13, 1978, Pub. L. 95–457, title VIII, § 808, 92 Stat. 1244.

Sept. 21, 1977, Pub. L. 95–111, title VIII, § 807, 91 Stat. 899.

Sept. 22, 1976, Pub. L. 94–419, title VII, § 707, 90 Stat. 1291.

Feb. 9, 1976, Pub. L. 94–212, title VII, § 707, 90 Stat. 168.

Oct. 8, 1974, Pub. L. 93–437, title VIII, § 807, 88 Stat. 1225.

Jan. 2, 1974, Pub. L. 93–238, title VII, § 707, 87 Stat. 1038.

Oct. 26, 1972, Pub. L. 92–570, title VII, § 707, 86 Stat. 1196.

Dec. 18, 1971, Pub. L. 92–204, title VII, § 707, 85 Stat. 727.

Jan. 11, 1971, Pub. L. 91–668, title VIII, § 807, 84 Stat. 2030.

Dec. 29, 1969, Pub. L. 91–171, title VI, § 607, 83 Stat. 480.

Oct. 17, 1968, Pub. L. 90-580, title V, § 506, 82 Stat. 1129.
Sept. 29, 1967, Pub. L. 90-96, title VI, § 606, 81 Stat. 242.

EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of this title.

§ 2639. Transportation to and from school for certain minor dependents

Funds appropriated to the Department of Defense may be used to provide minor dependents of members of the armed forces and of civilian officers and employees of the Department of Defense with transportation to and from primary and secondary schools if the schools attended by the dependents are not accessible by regular means of transportation.

(Added Pub. L. 98-525, title XIV, § 1401(j)(1), Oct. 19, 1984, 98 Stat. 2620.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

Oct. 12, 1984, Pub. L. 98-473, title I, § 101(h) [title VIII, § 8005], 98 Stat. 1904, 1922.
Dec. 8, 1983, Pub. L. 98-212, title VII, § 708, 97 Stat. 1438.
Dec. 21, 1982, Pub. L. 97-377, title I, § 101(c) [title VII, § 708], 96 Stat. 1833, 1850.
Dec. 29, 1981, Pub. L. 97-114, title VII, § 708, 95 Stat. 1579.
Dec. 15, 1980, Pub. L. 96-527, title VII, § 708, 94 Stat. 3081.
Dec. 21, 1979, Pub. L. 96-154, title VII, § 708, 93 Stat. 1152.
Oct. 13, 1978, Pub. L. 95-457, title VIII, § 808, 92 Stat. 1244.
Sept. 21, 1977, Pub. L. 95-111, title VIII, § 807, 91 Stat. 899.
Sept. 22, 1976, Pub. L. 94-419, title VII, § 707, 90 Stat. 1291.
Feb. 9, 1976, Pub. L. 94-212, title VII, § 707, 90 Stat. 168.
Oct. 8, 1974, Pub. L. 93-437, title VIII, § 807, 88 Stat. 1225.
Jan. 2, 1974, Pub. L. 93-238, title VII, § 707, 87 Stat. 1038.
Oct. 26, 1972, Pub. L. 92-570, title VII, § 707, 86 Stat. 1196.
Dec. 18, 1971, Pub. L. 92-204, title VII, § 707, 85 Stat. 727.
Jan. 11, 1971, Pub. L. 91-668, title VIII, § 807, 84 Stat. 2030.
Dec. 29, 1969, Pub. L. 91-171, title VI, § 607, 83 Stat. 480.
Oct. 17, 1968, Pub. L. 90-580, title V, § 506, 82 Stat. 1129.
Sept. 29, 1967, Pub. L. 90-96, title VI, § 606, 81 Stat. 242.
Oct. 15, 1966, Pub. L. 89-687, title VI, § 606, 80 Stat. 991.
Sept. 29, 1965, Pub. L. 89-213, title VI, § 606, 79 Stat. 873.
Aug. 19, 1964, Pub. L. 88-446, title V, § 506, 78 Stat. 475.
Oct. 17, 1963, Pub. L. 88-149, title V, § 506, 77 Stat. 264.
Aug. 9, 1962, Pub. L. 87-577, title V, § 506, 76 Stat. 328.
Aug. 17, 1961, Pub. L. 87-144, title VI, § 606, 75 Stat. 375.
July 7, 1960, Pub. L. 86-601, title V, § 506, 74 Stat. 350.
Aug. 18, 1959, Pub. L. 86-166, title V, § 606, 73 Stat. 378.
Aug. 22, 1958, Pub. L. 85-724, title VI, § 606, 72 Stat. 724.
Aug. 2, 1957, Pub. L. 85-117, title VI, § 607, 71 Stat. 323.
July 2, 1956, ch. 488, title VI, § 607, 70 Stat. 468.
July 13, 1955, ch. 358, title VI, § 609, 69 Stat. 315.
June 30, 1954, ch. 432, title VII, § 709, 68 Stat. 351.
Aug. 1, 1953, ch. 305, title VI, § 614, 67 Stat. 351.
July 10, 1952, ch. 630, title VI, § 616, 66 Stat. 533.
Oct. 18, 1951, ch. 512, title VI, § 616, 65 Stat. 446.
Sept. 6, 1950, ch. 896, Ch. X, title VI, § 619, 64 Stat. 755.
Oct. 29, 1949, ch. 787, title VI, § 625, 63 Stat. 1021.
June 24, 1948, ch. 632, § 2, 62 Stat. 667.
July 30, 1947, ch. 357, title I, § 2, 61 Stat. 569.

EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of this title.

§ 2640. Charter air transportation of members of the armed forces

(a) REQUIREMENTS.—(1) The Secretary of Defense may not enter into a contract with an air carrier for the charter air transportation of members of the armed forces unless the air carrier—

(A) meets, at a minimum, the safety standards established by the Secretary of Transportation under chapter 447 of title 49;

(B) has at least 12 months of experience operating services in air transportation that are substantially equivalent to the service sought by the Department of Defense; and

(C) undergoes a technical safety evaluation.

(2) For purposes of paragraph (1)(C), a technical safety evaluation—

(A) shall include inspection of a representative number of aircraft; and

(B) shall be conducted in accordance with regulations prescribed by the Secretary, after consultation with the Secretary of Transportation.

(b) INSPECTIONS.—The Secretary shall provide for inspections of each air carrier that contracts with the Department of Defense for the charter air transportation of members of the armed forces. The inspections shall be conducted in accordance with standards established by the Secretary, after consultation with the Secretary of Transportation, and shall include, at a minimum, the following:

(1) An on-site capability survey of the air carrier conducted at least once every two years.

(2) A performance evaluation of the air carrier conducted at least once every six months.

(3) A preflight safety inspection of each aircraft conducted at any time during the operation of, but not more than 72 hours before, each internationally scheduled charter mission departing the United States.

(4) A preflight safety inspection of each aircraft used for domestic charter missions conducted to the greatest extent practical.

(5) Operational check-rides on aircraft conducted periodically.

(c) COMMERCIAL AIRLIFT REVIEW BOARD.—The Secretary shall establish a Commercial Airlift Review Board within the Department of Defense. The Board shall consist of personnel from the Department of Defense and other Government personnel as may be appropriate. The duties of the Board shall be—

(1) to make recommendations to the Secretary on suspension and reinstatement of air carriers under subsection (d);

(2) to make recommendations to the Secretary on waivers under subsection (g); and

(3) to carry out such other duties and make recommendations on such other matters as the Secretary considers appropriate.

(d) SUSPENSION AND REINSTATEMENT.—(1) The Secretary shall establish guidelines for the sus-

pension of air carriers under contract with the Department of Defense for the charter air transportation of members of the armed forces and for the reinstatement of air carriers that have been so suspended. The guidelines—

(A) shall require the immediate determination of whether to suspend an air carrier if an aircraft of the air carrier is involved in a fatal accident; and

(B) may require the suspension of an air carrier—

(i) if the carrier is in violation of any order, rule, regulation, or standard prescribed under chapter 447 of title 49; or

(ii) if an aircraft of the air carrier is involved in a serious accident.

(2) The Commercial Airlift Review Board shall make recommendations to the Secretary on suspension and reinstatement under this subsection.

(3) The Secretary shall include in each contract subject to this section the provisions on suspension and reinstatement established under this subsection.

(e) **AUTHORITY TO LEAVE UNSAFE AIRCRAFT.**—A representative of the Military Airlift Command, the Military Traffic Management Command, or such other agency as may be designated by the Secretary of Defense (or if there is no such representative reasonably available, the senior officer on board a chartered aircraft) may order members of the armed forces to leave a chartered aircraft if the representative (or officer) determines that a condition exists on the aircraft which may endanger the safety of the members.

(f) **FAA INFORMATION.**—The Secretary shall request the Secretary of Transportation to provide to the Secretary a report on each inspection performed by Federal Aviation Administration personnel, and the status of corrective actions taken, on each aircraft of an air carrier under contract with the Department of Defense for the charter air transportation of members of the armed forces.

(g) **WAIVER.**—After considering recommendations by the Commercial Airlift Review Board, the Secretary may waive any provision of this section in an emergency.

(h) **AUTHORITY TO PROTECT SAFETY-RELATED INFORMATION VOLUNTARILY PROVIDED BY AN AIR CARRIER.**—(1) Subject to paragraph (2), the Secretary of Defense may (notwithstanding any other provision of law) withhold from public disclosure safety-related information that is provided to the Secretary voluntarily by an air carrier for the purposes of this section.

(2) Information may be withheld under paragraph (1) from public disclosure only if the Secretary determines that—

(A) the disclosure of the information would inhibit an air carrier from voluntarily providing, in the future, safety-related information for the purposes of this section or for other air safety purposes involving the Department of Defense or another Federal agency; and

(B) the receipt of such information generally enhances the fulfillment of responsibilities under this section or other air safety responsibilities involving the Department of Defense or another Federal agency.

(3) If the Secretary provides to the head of another agency safety-related information described in paragraph (1) with respect to which the Secretary has made a determination described in paragraph (2), the head of that agency shall (notwithstanding any other provision of law) withhold the information from public disclosure unless the disclosure is specifically authorized by the Secretary.

(i) **REGULATIONS.**—The Secretary shall prescribe regulations to carry out this section, including requirements and identification of inspecting personnel with respect to preflight safety inspections required by subsection (b)(3).

(j) **DEFINITIONS.**—In this section:

(1) The terms “air carrier”, “aircraft”, “air transportation”, and “charter air transportation” have the meanings given such terms by section 40102(a) of title 49.

(2) The term “members of the armed forces” means members of the Army, Navy, Air Force, and Marine Corps.

(Added Pub. L. 99-661, div. A, title XII, § 1204(a)(1), Nov. 14, 1986, 100 Stat. 3969; amended Pub. L. 103-272, § 5(b)(1), July 5, 1994, 108 Stat. 1373; Pub. L. 105-85, div. A, title X, § 1075(a), Nov. 18, 1997, 111 Stat. 1911.)

AMENDMENTS

1997—Subsecs. (h) to (j). Pub. L. 105-85 added subsec. (h) and redesignated former subsecs. (h) and (i) as (i) and (j), respectively.

1994—Subsecs. (a)(1)(A), (d)(1)(B)(i). Pub. L. 103-272, § 5(b)(1)(A), substituted “chapter 447 of title 49” for “title VI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421 et seq.)”.

Subsec. (i)(1). Pub. L. 103-272, § 5(b)(1)(B), substituted “section 40102(a) of title 49” for “sections 101(3), 101(5), 101(10), and 101(15), respectively, of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(3), 1301(5), 1301(10), and 1301(15))”.

EFFECTIVE DATE OF 1997 AMENDMENT

Section 1075(b) of Pub. L. 105-85 provided that: “Subsection (h) of section 2640 of title 10, United States Code, as added by subsection (a), shall apply with respect to requests for information made on or after the date of the enactment of this Act [Nov. 18, 1997].”

EFFECTIVE DATE

Section 1204(c) of Pub. L. 99-661 provided that: “Section 2640 of title 10, United States Code, as added by subsection (a), shall apply only to contracts which are entered into on or after the date on which the regulations required by subsection (b) are prescribed [set out below].”

REGULATIONS

Section 1204(b) of Pub. L. 99-661 required Secretary of Defense, not later than 120 days after Nov. 14, 1986, to prescribe regulations required by this section.

§ 2641. Transportation of certain veterans on Department of Defense aeromedical evacuation aircraft

(a) The Secretary of Defense may provide transportation on an aircraft operating under the aeromedical evacuation system of the Department of Defense for the purpose of transporting a veteran to or from a Department of Veterans Affairs medical facility or of transporting the remains of a deceased veteran who died at such a facility after being transported to

the facility under this subsection. Transportation of the remains of a deceased veteran under this subsection may be provided to the place from which the veteran was transported to the facility or to any other destination which is not farther away from the facility than such place.

(b) Transportation under this section shall be provided in accordance with an agreement entered into between the Secretary of Defense and the Secretary of Veterans Affairs. Such an agreement shall provide that transportation may be furnished to a veteran (or for the remains of a veteran) on an aircraft referred to in subsection (a) only if—

(1) the Secretary of Veterans Affairs notifies the Secretary of Defense that the veteran needs or has been furnished medical care or services in a Department of Veterans Affairs facility and the Secretary of Veterans Affairs requests such transportation in connection with the travel of such veteran (or of the remains of such veteran) to or from the Department of Veterans Affairs facility where the care or services are to be furnished or were furnished to such veteran;

(2) there is space available for the veteran (or the remains of the veteran) on the aircraft; and

(3) there is an adequate number of medical and other service attendants to care for all persons being transported on the aircraft.

(c) A veteran is not eligible for transportation under this section unless the veteran is a primary beneficiary within the meaning of clause (A) of section 8111(g)(5) of title 38.

(d)(1) A charge may not be imposed on a veteran (or on the survivors of a veteran) for transportation provided to the veteran (or for the remains of the veteran) under this section.

(2) An agreement under subsection (b) shall provide that the Department of Veterans Affairs shall reimburse the Department of Defense for any costs incurred in providing transportation to veterans (or for the remains of veterans) under this section that would not otherwise have been incurred by the Department of Defense.

(e) In this section, the term “veteran” has the meaning given that term in section 101(2) of title 38.

(Added Pub. L. 100-180, div. A, title XII, §1250(a)(1), Dec. 4, 1987, 101 Stat. 1167; amended Pub. L. 101-189, div. A, title XVI, §1621(a)(1), (2), (8), Nov. 29, 1989, 103 Stat. 1602, 1603; Pub. L. 103-337, div. A, title VI, §652(b), title X, §1070(e)(8), Oct. 5, 1994, 108 Stat. 2794, 2859.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-337, §652(b)(1), inserted before period “or of transporting the remains of a deceased veteran who died at such a facility after being transported to the facility under this subsection. Transportation of the remains of a deceased veteran under this subsection may be provided to the place from which the veteran was transported to the facility or to any other destination which is not farther away from the facility than such place”.

Subsec. (b). Pub. L. 103-337, §652(b)(2)(A)(i), inserted “(or for the remains of a veteran)” after “furnished to a veteran” in introductory provisions.

Subsec. (b)(1). Pub. L. 103-337, §652(b)(2)(A)(ii), inserted “(or of the remains of such veteran)” after “of such veteran”.

Subsec. (b)(2). Pub. L. 103-337, §652(b)(2)(A)(iii), inserted “(or the remains of the veteran)” after “for the veteran”.

Subsec. (c). Pub. L. 103-337, §1070(e)(8), substituted “section 8111(g)(5) of title 38” for “section 5011(g)(5) of title 38”.

Subsec. (d)(1). Pub. L. 103-337, §652(b)(2)(B), inserted “(or on the survivors of a veteran)” after “on a veteran” and “(or for the remains of the veteran)” after “to the veteran”.

Subsec. (d)(2). Pub. L. 103-337, §652(b)(2)(C), inserted “(or for the remains of veterans)” after “to veterans”.

1989—Subsec. (a). Pub. L. 101-189, §1621(a)(1), substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

Subsec. (b). Pub. L. 101-189, §1621(a)(2), substituted “Secretary of Veterans Affairs” for “Administrator of Veterans’ Affairs” in introductory provisions and in par. (1).

Subsec. (b)(1). Pub. L. 101-189, §1621(a)(8), substituted “the Secretary of Veterans Affairs requests” for “the Administrator requests”.

Pub. L. 101-189, §1621(a)(1), substituted “Department of Veterans Affairs” for “Veterans’ Administration” in two places.

Subsec. (d)(2). Pub. L. 101-189, §1621(a)(1), substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

DEADLINE FOR ENTRY INTO TRANSPORTATION AGREEMENT

Section 1250(b) of Pub. L. 100-180 directed Secretary of Defense and Administrator of Veterans’ Affairs to enter into an agreement required by this section not later than 60 days after Dec. 4, 1987.

§ 2641a. Transportation of American Samoa veterans on Department of Defense aircraft for certain medical care in Hawaii

(a) TRANSPORTATION AUTHORIZED.—The Secretary of Defense may provide transportation on Department of Defense aircraft for the purpose of transporting any veteran specified in subsection (b) between American Samoa and the State of Hawaii if such transportation is required in order to provide hospital care to such veteran as described in that subsection.

(b) VETERANS ELIGIBLE FOR TRANSPORT.—A veteran eligible for transport under subsection (a) is any veteran who—

(1) resides in and is located in American Samoa; and

(2) as determined by an official of the Department of Veterans Affairs designated for that purpose by the Secretary of Veterans Affairs, must be transported to the State of Hawaii in order to receive hospital care to which such veteran is entitled under chapter 17 of title 38 in facilities of such Department in the State of Hawaii.

(c) ADMINISTRATION.—(1) Transportation may be provided to veterans under this section only on a space-available basis.

(2) A charge may not be imposed on a veteran for transportation provided to the veteran under this section.

(Added Pub. L. 105-262, title VIII, §8121(a), Oct. 17, 1998, 112 Stat. 2332; amended Pub. L. 106-65, div. A, title X, §1066(a)(24), Oct. 5, 1999, 113 Stat. 771.)

AMENDMENTS

1999—Subsec. (b)(2). Pub. L. 106-65, §1066(a)(24)(A), struck out “, United States Code,” after “title 38”.

Subsec. (d). Pub. L. 106-65, §1066(a)(24)(B), struck out heading and text of subsec. (d). Text read as follows: “In this section:

“(1) The term ‘veteran’ has the meaning given that term in section 101(2) of title 38, United States Code.

“(2) The term ‘hospital care’ has the meaning given that term in section 1701(5) of title 38, United States Code.”

§ 2641b. Space-available travel on Department of Defense aircraft: retired members residing in Commonwealths and possessions of the United States for certain health care services

(a) PRIORITY TRANSPORTATION.—The Secretary of Defense shall provide transportation on Department of Defense aircraft on a space-available basis for any member or former member of the uniformed services described in subsection (b), and a single dependent of the member if needed to accompany the member, at a priority level in the same category as the priority level for an unaccompanied dependent over the age of 18 traveling on environmental and morale leave.

(b) ELIGIBLE MEMBERS AND FORMER MEMBERS.—A member or former member eligible for priority transport under subsection (a) is a covered beneficiary under chapter 55 of this title who—

(1) is entitled to retired or retainer pay;

(2) resides in or is located in a Commonwealth or possession of the United States; and

(3) is referred by a military or civilian primary care provider located in that Commonwealth or possession to a specialty care provider for services to be provided outside of that Commonwealth or possession.

(c) SCOPE OF PRIORITY.—The increased priority for space-available transportation required by subsection (a) applies with respect to both—

(1) the travel from the Commonwealth or possession of the United States to receive the specialty care services; and

(2) the return travel.

(d) DEFINITIONS.—In this section, the terms “primary care provider” and “specialty care provider” refer to a medical or dental professional who provides health care services under chapter 55 of this title.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section.

(Added Pub. L. 110-181, div. A, title III, §374(a), Jan. 28, 2008, 122 Stat. 82.)

§ 2642. Airlift services provided to certain other agencies: use of Department of Defense reimbursement rate

(a) AUTHORITY.—The Secretary of Defense may authorize the use of the Department of Defense reimbursement rate for military airlift services provided by a component of the Department of Defense as follows:

(1) For military airlift services provided to the Central Intelligence Agency, if the Secretary of Defense determines that those military airlift services are provided for activities related to national security objectives.

(2) For military airlift services provided to the Department of State for the transportation of armored motor vehicles to a foreign country to meet requirements of the Department of State for armored motor vehicles associated with the overseas travel of the Secretary of State in that country.

(3) During the period beginning on October 28, 2009, and ending on October 28, 2014, for military airlift services provided to any element of the Federal Government outside the Department of Defense in circumstances other than those specified in paragraphs (1) and (2), but only if the Secretary of Defense determines that the provision of such services will promote the improved use of airlift capacity without any negative effect on the national security objectives or the national security interests contained within the United States commercial air industry.

(b) DEFINITION.—In this section, the term “Department of Defense reimbursement rate” means the amount charged a component of the Department of Defense by another component of the Department of Defense.

(Added Pub. L. 102-88, title V, §501(a), Aug. 14, 1991, 105 Stat. 435; amended Pub. L. 108-136, div. A, title X, §1006(a), (b)(1), Nov. 24, 2003, 117 Stat. 1585; Pub. L. 111-84, div. A, title III, §351(a), Oct. 28, 2009, 123 Stat. 2262; Pub. L. 111-383, div. A, title X, §1075(b)(40), Jan. 7, 2011, 124 Stat. 4371.)

AMENDMENTS

2011—Subsec. (a)(3). Pub. L. 111-383 substituted “During the period beginning on October 28, 2009, and ending on October 28, 2014” for “During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010”.

2009—Subsec. (a)(3). Pub. L. 111-84 added par. (3).

2003—Pub. L. 108-136, §1006(b)(1), substituted “Airlift services provided to certain other agencies: use of Department of Defense reimbursement rate” for “Reimbursement rate for airlift services provided to Central Intelligence Agency” as section catchline.

Subsec. (a). Pub. L. 108-136, §1006(a), inserted “as follows:

“(1) For military airlift services provided”

before “to the Central Intelligence Agency”, and added par. (2).

§ 2643. Commissary and exchange services: transportation overseas

(a) TRANSPORTATION OPTIONS.—The Secretary of Defense shall authorize the officials responsible for operation of commissaries and military exchanges to negotiate directly with private carriers for the most cost-effective transportation of commissary and exchange supplies to destinations outside the continental United States without relying on the Air Mobility Command, the Military Sealift Command, or the Military Traffic Management Command. Section 2631 of this title, regarding the preference for vessels of the United States or belonging to the United States in the transportation of supplies by sea, shall apply to the negotiation of contracts for sea-borne transportation under the authority of this section.

(b) PAYMENT OF TRANSPORTATION COSTS.—Section 2483(b)(5) of this title, regarding the use of appropriated funds to cover the expenses of operating commissary stores, shall apply to the

transportation of commissary supplies and products. Appropriated funds for the Department of Defense shall also be used to cover the expenses of transporting exchange supplies and products to destinations outside the continental United States.

(Added Pub. L. 104-106, div. A, title III, § 334(a), Feb. 10, 1996, 110 Stat. 261; amended Pub. L. 109-163, div. A, title VI, § 673, Jan. 6, 2006, 119 Stat. 3319.)

AMENDMENTS

2006—Pub. L. 109-163 designated existing provisions as subsec. (a), inserted heading, substituted “to destinations outside the continental United States without relying on the Air Mobility Command, the Military Sealift Command,” for “by sea without relying on the Military Sealift Command” and “contracts for seaborne transportation” for “transportation contracts”, and added subsec. (b).

§ 2644. Control of transportation systems in time of war

In time of war, the President, through the Secretary of Defense, may take possession and assume control of all or part of any system of transportation to transport troops, war material, and equipment, or for other purposes related to the emergency. So far as necessary, he may use the system to the exclusion of other traffic.

(Aug. 10, 1956, ch. 1041, 70A Stat. 266, § 4742; renumbered § 2644 and amended Pub. L. 104-201, div. A, title IX, § 906(a), (b), Sept. 23, 1996, 110 Stat. 2620.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4742	10:1361.	Aug. 29, 1916, ch. 418 (last par. under “Ordnance Department”), 39 Stat. 645.

The words “as may be needful or desirable” are omitted as surplusage.

AMENDMENTS

1996—Pub. L. 104-201 renumbered section 4742 of this title as this section and substituted “Secretary of Defense” for “Secretary of the Army”.

§ 2645. Indemnification of Department of Transportation for losses covered by vessel war risk insurance

(a) PROMPT INDEMNIFICATION REQUIRED.—(1) In the event of a loss that is covered by vessel war risk insurance, the Secretary of Defense shall promptly indemnify the Secretary of Transportation for the amount of the loss consistent with the indemnification agreement between the two Secretaries that underlies such insurance. The Secretary of Defense shall make such indemnification—

(A) in the case of a claim for the loss of a vessel, not later than 90 days after the date on which the Secretary of Transportation determines the claim to be payable or that amounts are due under the policy that provided the vessel war risk insurance; and

(B) in the case of any other claim, not later than 180 days after the date on which the Sec-

retary of Transportation determines the claim to be payable.

(2) When there is a loss of a vessel that is (or may be) covered by vessel war risk insurance, the Secretary of Transportation may make, during the period when a claim for such loss is pending with the Secretary of Transportation, any required periodic payments owed by the insured party to a lessor or mortgagee of such vessel. Such payments shall commence not later than 30 days following the date of the presentation of the claim for the loss of the vessel to the Secretary of Transportation. If the Secretary of Transportation determines that the claim is payable, any amount paid under this paragraph arising from such claim shall be credited against the amount payable under the vessel war risk insurance. If the Secretary of Transportation determines that the claim is not payable, any amount paid under this paragraph arising from such claim shall constitute a debt to the United States, payable to the insurance fund. Any such amounts so returned to the United States shall be promptly credited to the fund or account from which the payments were made under this paragraph.

(b) SOURCE OF FUNDS FOR PAYMENT OF INDEMNITY.—The Secretary of Defense may pay an indemnity described in subsection (a) from any funds available to the Department of Defense for operation and maintenance, and such sums as may be necessary for payment of such indemnity are hereby authorized to be transferred to the Secretary of Transportation for such purpose.

(c) DEPOSIT OF FUNDS.—Any amount transferred to the Secretary of Transportation under this section shall be deposited in, and merged with amounts in, the Vessel War Risk Insurance Fund as provided in section 53909(b) of title 46.

(d) NOTICE TO CONGRESS.—In the event of a loss that is covered by vessel war risk insurance in the case of an incident in which the covered loss is (or is expected to be) in an amount in excess of \$1,000,000, the Secretary of Defense shall submit to Congress notification of the loss as soon after the occurrence of the loss as possible and in no event more than 30 days after the date of the loss.

(e) IMPLEMENTING MATTERS.—(1) Payment of indemnification under this section is not subject to section 2214 or 2215 of this title or any other provision of law requiring notification to Congress before funds may be transferred.

(2) Consolidation of claims arising from the same incident is not required before indemnification of the Secretary of Transportation for payment of a claim may be made under this section.

(f) CONSTRUCTION WITH OTHER TRANSFER AUTHORITY.—Authority to transfer funds under this section is in addition to any other authority provided by law to transfer funds (whether enacted before, on, or after the date of the enactment of this section) and is not subject to any dollar limitation or notification requirement contained in any other such authority to transfer funds.

[(g) Repealed. Pub. L. 108-136, div. A, title X, § 1031(a)(26)(B), Nov. 24, 2003, 117 Stat. 1598.]

(h) DEFINITIONS.—In this section:

(1) **VESSEL WAR RISK INSURANCE.**—The term “vessel war risk insurance” means insurance and reinsurance provided through policies issued by the Secretary of Transportation under chapter 539 of title 46 that is provided by that Secretary without premium at the request of the Secretary of Defense and is covered by an indemnity agreement between the Secretary of Transportation and the Secretary of Defense.

(2) **VESSEL WAR RISK INSURANCE FUND.**—The term “Vessel War Risk Insurance Fund” means the insurance fund referred to in section 53909(a) of title 46.

(3) **LOSS.**—The term “loss” includes damage to or destruction of property, personal injury or death, and other liabilities and expenses covered by the vessel war risk insurance.

(Added Pub. L. 104-201, div. A, title X, §1079(b)(1), Sept. 23, 1996, 110 Stat. 2669; amended Pub. L. 105-85, div. A, title X, §1073(a)(57), Nov. 18, 1997, 111 Stat. 1903; Pub. L. 108-136, div. A, title X, §1031(a)(26), Nov. 24, 2003, 117 Stat. 1598; Pub. L. 109-304, §17(a)(4), Oct. 6, 2006, 120 Stat. 1706.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (f), is the date of enactment of Pub. L. 104-201, which was approved Sept. 23, 1996.

AMENDMENTS

2006—Subsec. (c). Pub. L. 109-304, §17(a)(4)(A), substituted “section 53909(b) of title 46” for “the second sentence of section 1208(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1288(a))”.

Subsec. (h)(1). Pub. L. 109-304, §17(a)(4)(B), substituted “chapter 539 of title 46” for “title XII of the Merchant Marine Act, 1936 (46 U.S.C. App. 1281 et seq.)”.

Subsec. (h)(2). Pub. L. 109-304, §17(a)(4)(C), substituted “section 53909(a) of title 46” for “the first sentence of section 1208(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1288(a))”.

2003—Subsec. (d). Pub. L. 108-136, §1031(a)(26)(A), substituted “Congress” for “Congress—”, struck out par. (1) designation before “notification”, substituted a period for “; and” after “date of the loss”, and struck out par. (2) which read as follows: “semiannual reports thereafter updating the information submitted under paragraph (1) and showing with respect to losses arising from such incident the total amount expended to cover such losses, the source of such funds, pending litigation, and estimated total cost to the Government.”

Subsec. (g). Pub. L. 108-136, §1031(a)(26)(B), struck out heading and text of subsec. (g). Text read as follows: “Not later than March 1 of each year, the Secretary of Defense shall submit to Congress a report setting forth the current amount of the contingent outstanding liability of the United States under the vessel war risk insurance program under title XII of the Merchant Marine Act, 1936 (46 U.S.C. App. 1281 et seq.).”

1997—Subsec. (a)(1)(B). Pub. L. 105-85 struck out “on which” after “after the date on which”.

§ 2646. Travel services: procurement for official and unofficial travel under one contract

(a) **AUTHORITY.**—The head of an agency may enter into a contract for travel-related services that provides for the contractor to furnish travel for both official travel and unofficial travel.

(b) **CREDITS, DISCOUNTS, COMMISSIONS, FEES.**—(1) A contract entered into under this section may provide for credits, discounts, or commis-

sions or other fees to accrue to the Department of Defense. The accrual and amounts of credits, discounts, or commissions or other fees may be determined on the basis of the volume (measured in the number or total amount of transactions or otherwise) of the travel-related sales that are made by the contractor under the contract.

(2) The evaluation factors applicable to offers for a contract under this section may include a factor that relates to the estimated aggregate value of any credits, discounts, commissions, or other fees that would accrue to the Department of Defense for the travel-related sales made under the contract.

(3) Commissions or fees received by the Department of Defense as a result of travel-related sales made under a contract entered into under this section shall be distributed as follows:

(A) For amounts relating to sales for official travel, credit to appropriations available for official travel for the fiscal year in which the amounts were charged.

(B) For amounts relating to sales for unofficial travel, deposit in nonappropriated fund accounts available for morale, welfare, and recreation programs.

(c) **DEFINITIONS.**—In this section:

(1) The term “head of an agency” has the meaning given that term in section 2302(1) of this title.

(2) The term “official travel” means travel at the expense of the Federal Government.

(3) The term “unofficial travel” means personal travel or other travel that is not paid for or reimbursed by the Federal Government out of appropriated funds.

(d) **INAPPLICABILITY TO COAST GUARD AND NASA.**—This section does not apply to the Coast Guard when it is not operating as a service in the Navy, nor to the National Aeronautics and Space Administration.

(Added Pub. L. 105-261, div. A, title VIII, §813(a), Oct. 17, 1998, 112 Stat. 2087.)

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 2647. Next-of-kin of persons unaccounted for from conflicts after World War II: transportation to annual meetings

The Secretary of Defense may provide transportation for the next-of-kin of persons who are unaccounted for from the Korean conflict, the Cold War, Vietnam War era, or the Persian Gulf War to and from an annual meeting in the United States. Such transportation shall be provided under such regulations as the Secretary of Defense may prescribe.

(Added Pub. L. 107-107, div. A, title V, §574(a), Dec. 28, 2001, 115 Stat. 1122.)

AVAILABILITY OF FUNDS FOR NEXT-OF-KIN OF VIETNAM
ERA INDIVIDUALS

Pub. L. 107-117, div. A, title VIII, §8018, Jan. 10, 2002, 115 Stat. 2251, provided that: “Funds available in this Act [see Tables for classification] and hereafter may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 106-259, title VIII, §8018, Aug. 9, 2000, 114 Stat. 678.

Pub. L. 106-79, title VIII, §8018, Oct. 25, 1999, 113 Stat. 1235.

Pub. L. 105-262, title VIII, §8018, Oct. 17, 1998, 112 Stat. 2301.

Pub. L. 105-56, title VIII, §8018, Oct. 8, 1997, 111 Stat. 1224.

Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8019], Sept. 30, 1996, 110 Stat. 3009-71, 3009-92.

Pub. L. 104-61, title VIII, §8025, Dec. 1, 1995, 109 Stat. 657.

Pub. L. 103-335, title VIII, §8031, Sept. 30, 1994, 108 Stat. 2625.

Pub. L. 103-139, title VIII, §8034, Nov. 11, 1993, 107 Stat. 1447.

Pub. L. 102-396, title IX, §9046, Oct. 6, 1992, 106 Stat. 1912.

Pub. L. 102-172, title VIII, §8047, Nov. 26, 1991, 105 Stat. 1182.

Pub. L. 101-511, title VIII, §8051, Nov. 5, 1990, 104 Stat. 1886.

Pub. L. 101-165, title IX, §9065, Nov. 21, 1989, 103 Stat. 1143.

**§ 2648. Persons and supplies: sea, land, and air
transportation**

Whenever the Secretary of Defense considers that space is available, the following persons and supplies may be transported on vessels, vehicles, or aircraft operated by the Department of Defense:

- (1) Members of Congress.
- (2) Other officers of the United States traveling on official business.
- (3) Secretaries and supplies of the Armed Services Department of the Young Men's Christian Association.
- (4) Officers and employees of the Commonwealth of Puerto Rico on official business.
- (5) The families of members of the armed forces, officers and employees of the Department of Defense or the Coast Guard, and persons described in paragraphs (1), (2), and (4).

However, a person described in paragraph (4) or (5) may be so transported only if the transportation is without expense to the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 266, §4744; Pub. L. 86-624, §4(d), July 12, 1960, 74 Stat. 411; renumbered §2648 and amended Pub. L. 108-375, div. A, title X, §1072(a), (b)(1), Oct. 28, 2004, 118 Stat. 2057; Pub. L. 111-383, div. A, title III, §352(d), (e)(1), Jan. 7, 2011, 124 Stat. 4193.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4744	10:1369. 10:1370. 10:1371 (less last 29 words).	Mar. 2, 1907, ch. 2511 (6th proviso, less last 29 words under “Transportation of the Army and Its Supplies”), 34 Stat. 1170.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	Source (U.S. Code)	Source (Statutes at Large)
		June 30, 1921, ch. 33 (8th proviso under “Transportation of the Army and Its Supplies”), 42 Stat. 81. Mar. 3, 1911, ch. 209 (3d proviso under “Transportation of the Army and Its Supplies”), 36 Stat. 1051.

Reference to the Philippine government, contained in the source statute for 10:1371, is omitted, since the Philippine Republic now has the status of a foreign country and only possessions of the United States are intended to be covered by the source statute. The words “Armed Services Department” are substituted for the words “Army and Navy Department”, in 10:1370, to reflect the present name of that Department of the Young Men's Christian Association. (See also third sentence of revision note for section 4746 of this title, below.)

AMENDMENTS

2011—Pub. L. 111-383 substituted “Persons and supplies: sea, land, and air transportation” for “Persons and supplies: sea transportation” in section catchline and inserted “, vehicles, or aircraft” after “vessels” in introductory provisions.

2004—Pub. L. 108-375, §1072(b)(1), in introductory provisions, substituted “Secretary of Defense” for “Secretary of the Army” and struck out “Army transport agencies or, within bulk space allocations made to the Department of the Army, on vessels operated by any military transport agency of” before “the Department of Defense”, redesignated pars. (4) to (8) as (1) to (5), respectively, in par. (5), substituted “members of the armed forces, officers and employees of the Department of Defense or the Coast Guard, and persons described in paragraphs (1), (2), and (4)” for “persons described in clauses (1), (2), (4), (5), and (7)”, in concluding provisions, substituted “paragraph (4) or (5)” for “clause (7) or (8)”, and struck out former pars. (1) to (3) which read as follows:

“(1) Members of the Navy, Marine Corps, or Coast Guard.

“(2) Officers and employees of the Department of the Army, the Department of the Navy, the Department of the Air Force, or the Coast Guard.

“(3) Supplies of the Department of the Navy.”

Pub. L. 108-375, §1072(a), renumbered section 4744 of this title as this section.

1960—Pub. L. 86-624 struck out cl. (6) which authorized transportation of officers and employees of the Territory of Hawaii, redesignated cls. (7) to (9) as (6) to (8), respectively, and substituted “clauses (1), (2), (4), (5), and (7)” for “clauses (1), (2), (4), (5), (6), and (8)” in redesignated cl. (8), and “clause (7) or (8)” for “clause (8) or (9)” in closing sentence.

**§ 2649. Civilian passengers and commercial
cargoes: transportation on Department of
Defense vessels, vehicles, and aircraft**

(a) **AUTHORITY.**—Whenever space is unavailable on commercial lines and is available on vessels, vehicles, or aircraft operated by the Department of Defense, civilian passengers and commercial cargo may, in the discretion of the Secretary of Defense, be transported on those vessels, vehicles, or aircraft. Rates for transportation under this section may not be less than those charged by commercial lines for the same kinds of service, except that in the case of transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance,

any amount charged for such transportation may not exceed the cost of providing the transportation.

(b) **CREDITING OF RECEIPTS.**—Any amount received under this section with respect to transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance may be credited to the appropriation, fund, or account used in incurring the obligation for which such amount is received. In all other cases, amounts received under this section shall be covered into the Treasury as miscellaneous receipts.

(c) **TRANSPORTATION OF ALLIED PERSONNEL DURING CONTINGENCIES OR DISASTER RESPONSES.**—During the 5-year period beginning on the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, when space is available on vessels, vehicles, or aircraft operated by the Department of Defense and the Secretary of Defense determines that operations in the area of a contingency operation or disaster response would be facilitated if allied forces or civilians were to be transported using such vessels, vehicles, or aircraft, the Secretary may provide such transportation on a noninterference basis, without charge.

(Aug. 10, 1956, ch. 1041, 70A Stat. 267, § 4745; Pub. L. 96-513, title V, § 512(22), Dec. 12, 1980, 94 Stat. 2930; Pub. L. 97-31, § 12(3)(C), Aug. 6, 1981, 95 Stat. 154; Pub. L. 107-296, title XVII, § 1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; renumbered § 2649 and amended Pub. L. 108-375, div. A, title X, § 1072(a), (b)(2), Oct. 28, 2004, 118 Stat. 2057; Pub. L. 111-383, div. A, title III, § 352(a)–(c), (e)(2), Jan. 7, 2011, 124 Stat. 4193, 4194.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4745(a)	10:1367 (less last 20 words).	June 5, 1920, ch. 240 (6th proviso under “Transportation of the Army and Its Supplies”), 41 Stat. 960.
4745(b)	10:1367 (last 20 words).	

In subsection (a), the words “Federal Maritime Board” are substituted for the words “United States Maritime Commission”, since the functions of the chairman of that commission were transferred to the chairman of the Board by 1950 Reorganization Plan No. 21, effective May 24, 1950, 64 Stat. 1273. The words “the same kinds of service” are substituted for the words “the same class of accommodations”. The words “shipments of” and “between the same ports” are omitted as surplusage. (See also third sentence of revision note for section 4746 of this title, below.)

REFERENCES IN TEXT

The date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, referred to in subsec. (c), is the date of enactment of Pub. L. 111-383, which was approved Jan. 7, 2011.

AMENDMENTS

2011—Pub. L. 111-383, § 352(e)(2), substituted “Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft” for “Civilian passengers and commercial cargoes: transportation on Department of Defense vessels” in section catchline.

Subsec. (a). Pub. L. 111-383, § 352(a), (b)(1), inserted heading, inserted “, vehicles, or aircraft” after “ves-

sels” in two places in first sentence, and inserted “, except that in the case of transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance, any amount charged for such transportation may not exceed the cost of providing the transportation” before period at end of second sentence.

Subsec. (b). Pub. L. 111-383, § 352(b)(2), inserted heading and substituted “Any amount received under this section with respect to transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance may be credited to the appropriation, fund, or account used in incurring the obligation for which such amount is received. In all other cases, amounts” for “Amounts”.

Subsec. (c). Pub. L. 111-383, § 352(c), added subsec. (c). 2004—Pub. L. 108-375, § 1072(a), (b)(2)(A), renumbered section 4745 of this title as this section and substituted “Civilian passengers and commercial cargoes: transportation on Department of Defense vessels” for “Civilian passengers and commercial cargoes: transports in trans-Atlantic service” in section catchline.

Subsec. (a). Pub. L. 108-375, § 1072(b)(2)(B)–(D), struck out “(1) on vessels operated by Army transport agencies, or (2) within bulk space allocations made to the Department of the Army” after “available” and “any transport agency of” before “the Department of Defense” and substituted “Secretary of Defense, be transported” for “Secretary of the Army and the Secretary of Homeland Security, be transported”.

2002—Subsec. (a). Pub. L. 107-296 substituted “Secretary of Homeland Security” for “Secretary of Transportation”.

1981—Subsec. (a). Pub. L. 97-31 substituted “Secretary of Transportation” for “Secretary of Commerce”.

1980—Subsec. (a). Pub. L. 96-513 substituted “Secretary of Commerce” for “Chairman of the Federal Maritime Board”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

§ 2650. Civilian personnel in Alaska

Persons residing in Alaska who are and have been employed there by the United States for at least two years, and their families, may be transported on vessels or airplanes operated by the Department of Defense, if—

(1) the Secretary of Defense considers that accommodations are available;

(2) the transportation is without expense to the United States;

(3) the transportation is limited to one round trip between Alaska and the United States during any two-year period, except in an emergency such as sickness or death; and

(4) in case of travel by air, the transportation cannot be reasonably handled by a United States commercial air carrier.

(Aug. 10, 1956, ch. 1041, 70A Stat. 267, § 4746; Pub. L. 98-443, § 9(k), Oct. 4, 1984, 98 Stat. 1708; renumbered § 2650 and amended Pub. L. 108-375, div. A, title X, § 1072(a), (b)(3), Oct. 28, 2004, 118 Stat. 2057, 2058.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4746	10:1371a.	Nov. 21, 1941, ch. 483; re-stated July 25, 1947, ch. 321, 61 Stat. 423.

Before the enactment of the National Security Act of 1947, the transport functions covered by this section were performed only by the Army. Under section 2(a)(3) of the National Security Act (as it existed before August 10, 1949), the sea and air transportation functions of the Army, Navy, and Air Force were respectively consolidated into the “Military Sea Transportation Service”, under the Department of the Navy, and the “Military Air Transport Service”, under the Department of the Air Force. Instead of having space on its own transport vessels and airplanes, the Army is now allotted bulk space on vessels and airplanes operated by those transport services. The words “or, within bulk space allocations made to the Department of the Army, on vessels or airplanes operated by any military transport agency of the Department of Defense” are inserted, in accordance with an opinion of the Judge Advocate General of the Army (JAGA 1953/5885, 22 July 1953), to make clear that the rule applicable to Army vessels and airplanes applies to the bulk space allocated to the Army. Since the authority to perform transportation functions could again be transferred as between the military departments, the reference to “vessels or airplanes of Army transport agencies” is retained. The word “considers” is substituted for the words “in the opinion of”. The words “Persons residing in Alaska who are and have been employed there by the United States” are substituted for the words “employees of the United States, residing in Alaska, who have been in such employment”. The word “commercial” is substituted for the word “civil” for clarity. The words “from and after November 21, 1941”, “and the carriage of all such air traffic shall be terminated”, “dire”, “the privilege herein granted”, and “as to each eligible individual” are omitted as surplusage. The words “the continental” are omitted, since section 101(1) of this title defines the United States as “the States and the District of Columbia”.

AMENDMENTS

2004—Pub. L. 108-375, §1072(a), (b)(3)(A), renumbered section 4746 of this title as this section and, in introductory provisions, struck out “Army transport agencies or, within bulk space allocations made to the Department of the Army, on vessels or airplanes operated by any military transport agency of” before “the Department of Defense”.

Par. (1). Pub. L. 108-375, §1072(b)(3)(B), substituted “Secretary of Defense” for “Secretary of the Army”.

Par. (4). Pub. L. 108-375, §1072(b)(3)(C), substituted “by air, the transportation cannot” for “by air—

“(A) the Secretary of Transportation has not certified that commercial air carriers of the United States that can handle the transportation are operating between Alaska and the United States; and

“(B) the transportation cannot”.

1984—Par. (4)(A). Pub. L. 98-443 substituted “Secretary of Transportation” for “Civil Aeronautics Board”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

§ 2651. Passengers and merchandise to Guam: sea transport

Whenever space is available, passengers, and merchandise produced in the United States, or the Commonwealths and possessions, and con-

signed to residents and mercantile firms of Guam, may be transported to Guam on vessels operated by the Department of Defense, under regulations and at rates to be prescribed by the Secretary of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 267, §4747; renumbered §2651 and amended Pub. L. 108-375, div. A, title X, §1072(a), (b)(4), Oct. 28, 2004, 118 Stat. 2057, 2058; Pub. L. 109-163, div. A, title X, §1057(a)(6), Jan. 6, 2006, 119 Stat. 3441; Pub. L. 111-383, div. A, title X, §1075(h)(4)(A)(ii), Jan. 7, 2011, 124 Stat. 4377.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4747	10:1368. 10:1371 (last 29 words).	Mar. 3, 1911, ch. 209 (4th proviso under “Transportation of the Army and Its Supplies”), 36 Stat. 1051. Mar. 2, 1907, ch. 2511 (last 29 words of 6th proviso under “Transportation of the Army and Its Supplies”), 34 Stat. 1171.

The words “without displacing military supplies” and “of the island of”, in 10:1368 and 1371, are omitted as surplusage. The words “produced in the United States, or the Territories, Commonwealths, and possessions” are substituted for the words “of American production”.

AMENDMENTS

2011—Pub. L. 111-383 made technical amendment to directory language of Pub. L. 109-163, §1057(a)(6). See 2006 Amendment note below.

2006—Pub. L. 109-163, §1057(a)(6), as amended by Pub. L. 111-383, substituted “Commonwealths and possessions” for “Territories, Commonwealths, and possessions”.

2004—Pub. L. 108-375, §1072(b)(4), substituted “the Department of Defense, under regulations and at rates to be prescribed by the Secretary of Defense” for “Army transport agencies or, within bulk space allocations made to the Department of the Army, on vessels operated by any transport agency of the Department of Defense, under regulations and at rates to be prescribed by the Secretary of the Army”.

Pub. L. 108-375, §1072(a), renumbered section 4747 of this title as this section.

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-383, div. A, title X, §1075(h), Jan. 7, 2011, 124 Stat. 4377, provided that amendment by section 1075(h)(4)(A)(ii) is effective as of Jan. 6, 2006, and as if included in Pub. L. 109-163 as enacted.

CHAPTER 159—REAL PROPERTY; RELATED PERSONAL PROPERTY; AND LEASE OF NON-EXCESS PROPERTY

Sec. 2661.	Miscellaneous administrative provisions relating to real property.
[2661a. Repealed.]	
2662.	Real property transactions: reports to congressional committees.
2663.	Land acquisition authorities.
2664.	Limitations on real property acquisition.
2665.	Sale of certain interests in land; logs.
[2666. Repealed.]	
2667.	Leases: non-excess property of military departments and Defense Agencies.
[2667a. Repealed.]	
2668.	Easements for rights-of-way.
2668a.	Easements: granting restrictive easements in connection with land conveyances.